STATUTORY INSTRUMENTS

1982 No. 1505 (S. 169)

HOUSING, SCOTLAND

The Rent Rebate and Rent Allowance Schemes (Scotland) Regulations 1982

Made - - - -	19*th October* 1982
Laid before Parliament	1*st November* 1982
Coming into Operation	22*nd November* 1982

In exercise of the powers conferred on me by section 17(2) of the Housing (Financial Provisions) (Scotland) Act 1972**(a)** and of all other powers enabling me in that behalf and having consulted with such associations of local authorities as appear to me to be concerned and with any local authority with whom consultation appears to me to be desirable, I hereby, with the consent of the Treasury, make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Rent Rebate and Rent Allowance Schemes (Scotland) Regulations 1982 and shall come into operation on 22nd November 1982.

Interpretation

2. In these regulations "the Act" means the Housing (Financial Provisions) (Scotland) Act 1972.

Variation of paragraph 8 of Schedule 2

3. In relation to any week in a rebate period or an allowance period, being a week commencing on or after 22nd November 1982, the following sub-paragraphs shall be substituted for sub-paragraphs (1) and (2) of paragraph 8**(b)** of Schedule 2 to the Act:—

"(1) Subject to sub-paragraph (2) below, the needs allowance for each week is:—

(*a*) for an individual person who has no dependent children	£41.40
(*b*) for a married couple	£61.00
(*c*) for an individual person who has a dependent child or children	£61.00
(*d*) for each dependent child of a tenant or his spouse	£11.40

(a) 1972 c. 46. **(b)** Substituted by regulation 3 of S.I. 1981/1513.

(2) The needs allowance for each week is:—

(*a*) for an individual person who has no dependent children and who is a chronically sick or disabled person	£46.15
(*b*) for a married couple, one of whom is a chronically sick or disabled person	£65.75
(*c*) for an individual person who is a chronically sick or disabled person and who has a dependent child or children	£65.75
(*d*) for a married couple, both of whom are chronically sick or disabled persons	£68.00"

Variation of paragraph 9 of Schedule 2

4. In relation to any week in a rebate period or an allowance period, being a week commencing on or after 22nd November 1982, paragraph 9 of Schedule 2 to the Act shall be varied as follows:—

(*a*) for sub-paragraph (2)(*c*)**(a)** there shall be substituted the following:—

"(*c*) £18.00 of the earnings of the tenant, and £5.00 of the earnings of the tenant's spouse, except where the tenant has no earnings or his earnings are less than £18.00 and the earnings of his spouse are greater than his own earnings, in which case the amount shall be £18.00 of the earnings of the tenant's spouse and, where applicable, £5.00 of the earnings of the tenant;"

(*b*) for sub-paragraph (2)(*m*)**(a)** there shall be substituted the following:—

"(*m*) where the tenant attends a training course under the Training Opportunities Scheme established under Section 2(1) of the Employment and Training Act 1973(*b*) and receives an allowance from the Manpower Services Commission under the provisions of section 2(2)(*d*) of that Act and that allowance includes an amount expressed to be a lodging allowance, £11.30 of that lodging allowance."

Variation of paragraph 12 of Schedule 2

5. In relation to any week in a rebate period or an allowance period, being a week commencing on or after 22nd November 1982, the following paragraph shall be substituted for paragraph 12**(c)** of Schedule 2 to the Act:—

"12—(1) Subject to sub-paragraph 2 below, the deductions from a rebate or allowance in respect of non-dependants are for each week:—

(*a*) for each person aged 18 years or more, but under 21 years and neither undergoing full-time instruction at an educational establishment (subject in the case of qualifying students to sub-paragraph (1A) below) nor in receipt of supplementary benefit	£3.30
(*b*) for each person aged 21 years or more, but under pensionable age and neither undergoing full-time instruction at an educational establishment (subject in the case of qualifying	

(a) Substituted by regulation 4 of S.I. 1981/1513.
(b) 1973 c. 50.
(c) Varied by regulation 5 of S.I. 1981/1513.

students to sub-paragraph (1A) below) nor in receipt of supplementary benefit £4.30

(*c*) for each person in receipt of supplementary benefit £1.90

(*d*) for each person of pensionable age not in receipt of supplementary benefit £1.90

(1A) Subject to sub-paragraph 2 below, in respect of non-dependants who are qualifying students, the deductions for each week for which (if they were tenants) they would be subject to deductions from rent for the purposes of paragraph 17(3) and (4) of the Schedule by virtue of regulations for the time being in force under the said paragraph 17(3) and (4) are:—

(*a*) for each person aged 18 years or more, but under 21 years and not in receipt of supplementary benefit £3.30

(*b*) for each person aged 21 years or more, but under pensionable age and not in receipt of supplementary benefit £4.30

(2) For the purposes of this paragraph a married couple shall be treated as one person, and if deductions of different amounts would, but for this sub-paragraph, fall to be made in respect of each one of that couple, the deduction to be made shall be the lesser of those amounts; and if a deduction would fall to be made in respect of one of that couple, but not the other, then that deduction shall be made."

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
14 October 1982.

We Consent.
19 October 1982.

Robert Boscawen,
J. A. Cope,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations vary Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1972 with which, subject to other provisions of that Act, every rent rebate scheme and every rent allowance scheme must conform. These Regulations take effect in respect of any week commencing on or after 22 November 1982.

Regulation 3 increases the needs allowance specified in paragraph 8(1) and (2) of the Schedule by reference to which entitlement to rent rebates and allowances is calculated.

Regulation 4 increases (*a*) the amount of a tenant's earnings and, where appropriate, of the earnings of the tenant's spouse, and (*b*) the amount of the lodging allowance paid to a Training Opportunities Scheme trainee, which is in terms of paragraph 9(2)(*c*) and (2)(*m*) of the Schedule, to be disregarded in calculating the amount of rebate or allowance.

Regulation 5 varies paragraph 12 of Schedule 2 to increase the deductions in respect of non-dependants which are, in terms of paragraph 12(1) and (1A) of the Schedule, to be used in calculating the amount of rebate or allowance and to provide for a single deduction to be made in the case of married couples both of whom are non-dependants.

The allowances etc provided for by paragraphs 8(1) and (2), 9(2)(*c*) and (*m*), and 12(1) and (1A) were last increased by the Rent Rebate and Rent Allowance Schemes (Scotland) (No. 2) Regulations 1981.

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